

REMARKS

Claims 1 to 7 remain in this application.

Claim 1 has been rejected as being unpatentable over Jones in view of Halpin (US Pat. 1,024,197). The Examiner alleges that Jones teaches a lounge chair. Issue is taken in this respect. Jones is specifically directed to a folding chair and not to an outdoor lounge.

Second, the Examiner alleges that Jones teaches a pair of leg assemblies 16, 18 each of which includes "an elongated bar 64 (end column 3, lines 27, 28)". Issue is taken in this respect. As can be seen in Fig. 3 of Jones, the rear leg means 18 has a pair of telescopically engaged tubular sections 62 and 64. Clearly, the two telescoping tubular sections 62 and 64 do not constitute "an elongated bar" as recited in claim 1. For this reason alone, any modification of Jones with the teachings of Halpin would not result in the claimed structure. Accordingly, a rejection of claim 1 as being unpatentable over Jones in view of Halpin is not warranted pursuant to the provisions of 35 USC 103.

Still further, the Examiner alleges that Jones teaches a pair of stretcher bars 42 and 44. Issue is taken in this respect. As can be seen in Fig. 3 of Jones, the telescoping tubular members 42 and 44 do not constitute a "stretcher bar". For this additional reason, any modification of Jones with the teachings of Halpin would not result in the claimed structure. Accordingly, a rejection of claim 1 as being unpatentable over Jones in view of Halpin is not warranted pursuant to the provisions of 35 USC 103.

Still further, claim 1 requires "a fabric panel secured to and between said stretcher bars." Jones does not describe or teach such a structure. Instead, Jones describes a seat area 70 that has outwardly extending portions 76 and 77 that are looped around the side sections of the seat portion 14 and stitch to themselves. Thus, the seat area 70 is not secured to the telescoping members 42 and 44. In fact, if the seat area 70 were secured to the tubular sections 42 and 44, these two sections 42 and 44 could not move telescopically with respect to each other. Accordingly, for this additional reason, a rejection of claim 1 as being unpatentable over Jones in view of Halpin is not warranted pursuant to the provisions of 35 USC 103.

The Examiner further alleges that it would be obvious to modify Jones such that the orientation of the "leg assemblies" and the "stretcher bars" were such that the leg assemblies extended longitudinally of the "lounge" as taught by Halpin. Issue is taken in this respect. Aside from the fact that Jones does not describe or teach a lounge, there is no teaching in Halpin that would motivate one of ordinary skill in the art to turn the folding chair of Jones into a lounge as claimed. At most, the chair of Jones could be modified in accordance with the teachings of Halpin so as to pivot the back portion 12 clockwise, as viewed in Fig. 1) and to attached a third leg means to the tubular sections 38 and 40 so that the chair could be used to support an occupant in a supine position in the manner of the Halpin couch-bed. However, the resulting structure would not meet the limitations of claim 1.

In view of the above, a rejection of claim 1 as being unpatentable over Jones in view of Halpin is not warranted pursuant to the provisions of 35 USC 103.

Claims 2 to 4 depend from claim 1 and are believed to be allowable for similar reasons.

Claim 2 further requires that each "stretcher bar has a longitudinally disposed slot receiving a respective end of said fabric panel therein in secured relation". Gaylord is directed to a sling chair (not a lounge) in which side rails 20, 22 have slots for receiving a fabric seat panel 14. However, there is no teaching in Gaylord that would motivate one of ordinary skill in the art to modify the telescoping tubular members 42 and 44 to have slots to receive the seat area 70. First, this would require that the tubular members 42 and 44 be properly aligned in order to receive a free end of the seat area 70. Further, this would require dealing with the problem of damaging the seat area 70 during sliding of the inner tubular member 42 within the outer tubular member 44. That is, the seat area 70 would bunch up within the "slots" during sliding of the members together. Still further, placing a slot in the outer tubular member 44 would weaken the tubular member 44 and possibly permit a smaller diameter slotted tubular member 42 to pass through the slot in the member 44 particularly when an occupant sits on the chair. Thus, placing slots in the tubular members 42, 44 would not only weaken the chair, create the possibility of the inner member 42 passing upwardly through the member 44 and damaging the seat area 70 by sliding of the members 42 and 44 together. For all of these reasons, one of ordinary skill in the art would not be

motivated by the teachings of Gaylord to modify the folding chair of Jones as suggested by the Examiner. Accordingly, a rejection of claim 2 as being unpatentable over Jones in view of Halpin and Gaylord is not warranted pursuant to the provisions of 35 USC 103.

Claim 3 depends from claim 2 and further recites that the fabric panel has a loop of material at each end slidably mounted in the slot of each stretcher bar. Forming a loop on the seat area 70 of Jones to fit into slots in the tubular members 42 and 44 would require relatively large slots that would exacerbate the problems noted above with respect to claim 2. Accordingly, a rejection of claim 3 as being unpatentable over Jones in view of Halpin and Gaylord is not warranted pursuant to the provisions of 35 USC 103.

Claim 4 requires struts between the respective legs and stretcher bars. The Examiner alleges that it would be obvious from the teachings of Brown to provide struts in the Jones folding chair. Issue is taken in this respect. As can be seen in Fig. 1 of Jones, the outwardly extending portion 77 of the seat area 70 is close to the point at which the rear leg means 18 is pivotally connected to the tubular member 44. Thus, there is insufficient space to provide a strut between the rear leg means 18 and the tubular member 44. Accordingly, one of ordinary skill in the art would not be motivated by Brown to provide the Jones folding chair with struts at least between the rear leg means 18 and the tubular members 44. Note also that the struts in Brown form a substantially equilateral triangle with the leg and frame of the bed. Placing a strut between the front leg means 16 and the

tubular members 42 of Jones to form an equilateral triangle is not possible due to the presence of the seat area 70.

Claim 5 contains recitations similar to claim 1 and is believed to be allowable over the references of record for similar reasons as expressed above.

Claim 7 has been rejected as being anticipated by Jones. The Examiner alleges that the two telescoping tubular sections 62 and 64 of Jones constitutes an "elongated bar". Issue is taken in this respect. By definition, the tubular section 62 and 64 of Jones telescope one within the other and cannot together constitute "an elongated bar". For example, the term "bar" is defined in Webster's Ninth New Collegiate Dictionary as follows:

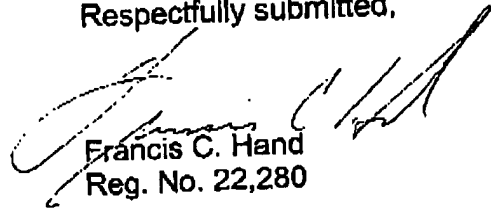
Bar. 1a: a straight piece (as of wood or metal) that is longer than it is wide and has any of various uses, as for a lever, support, barrier, or fastening) b. a solid piece or block or material that is usually rectangular and considerably longer than it is wide. C: a usually rigid piece (as of wood or metal) longer than it is wide that is used as a handle or support.

Thus, the telescoping tubular members 42 and 44 of Jones do not constitute "stretcher bars" as recited in claim 7.

For the above reasons, a rejection of claim 7 as being anticipated by Jones is not warranted pursuant to the provisions of 35 USC 102.

The application is believed to be in condition for allowance and such is respectfully requested.

Respectfully submitted,



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